

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

| I. (a) PLAINTIFFS  | DEFENDANTS   |
|--|--|
| CHARITABLE DAF FUND, L.P.<br>and CLO HOLDCO, LTD.,   | HIGHLAND CAPITAL MANAGEMENT, L.P. , HIGHLAND<br>HCF ADVISOR, LTD.  |
| (b) County of Residence of First Listed Plaintiff <u>Cayman Islands</u><br>(EXCEPT IN U.S. PLAINTIFF CASES)  | County of Residence of First Listed Defendant <u>Dallas, Texas</u><br>(IN U.S. PLAINTIFF CASES ONLY)             |
| (c) Attorneys (Firm Name, Address, and Telephone Number)<br><br>Sbaiti & Company, PLLC. 2200 Ross Ave. Suite 4900W<br>Dallas, Texas 75201 214-432-2899 | NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF<br>THE TRACT OF LAND INVOLVED.<br><br>Attorneys (If Known) |

| II. BASIS OF JURISDICTION (Place an "X" in One Box Only)   | III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)   |   |                                       |     |     |   |  |   |                                       |   |   |  |                            |  |   |   |                            |
|--|---|---|---------------------------------------|-----|-----|---|--|---|---------------------------------------|---|---|--|----------------------------|--|---|---|----------------------------|
| <input type="checkbox"/> 1 U.S. Government Plaintiff<br><input type="checkbox"/> 2 U.S. Government Defendant | <table border="1"><thead><tr><th>PTF</th><th>DEF</th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td><input checked="" type="checkbox"/> 3 Federal Question<br/>(U.S. Government Not a Party)</td><td><input type="checkbox"/> 1 Citizen of This State</td><td><input checked="" type="checkbox"/> 4 Incorporated or Principal Place of Business In This State</td><td><input checked="" type="checkbox"/> 4</td></tr><tr><td><input type="checkbox"/> 4 Diversity<br/>(Indicate Citizenship of Parties in Item III)</td><td><input type="checkbox"/> 2 Citizen of Another State</td><td><input type="checkbox"/> 5 Incorporated and Principal Place of Business In Another State</td><td><input type="checkbox"/> 5</td></tr><tr><td></td><td><input checked="" type="checkbox"/> 3 Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 6 Foreign Nation</td><td><input type="checkbox"/> 6</td></tr></tbody></table> | PTF   | DEF                                   | PTF | DEF | <input checked="" type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party) | <input type="checkbox"/> 1 Citizen of This State | <input checked="" type="checkbox"/> 4 Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) | <input type="checkbox"/> 2 Citizen of Another State | <input type="checkbox"/> 5 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 |  | <input checked="" type="checkbox"/> 3 Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 Foreign Nation | <input type="checkbox"/> 6 |
| PTF  | DEF   | PTF   | DEF                                   |     |     |   |  |   |                                       |   |   |  |                            |  |   |   |                            |
| <input checked="" type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)                      | <input type="checkbox"/> 1 Citizen of This State  | <input checked="" type="checkbox"/> 4 Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 |     |     |   |  |   |                                       |   |   |  |                            |  |   |   |                            |
| <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III)                        | <input type="checkbox"/> 2 Citizen of Another State   | <input type="checkbox"/> 5 Incorporated and Principal Place of Business In Another State        | <input type="checkbox"/> 5            |     |     |   |  |   |                                       |   |   |  |                            |  |   |   |                            |
|  | <input checked="" type="checkbox"/> 3 Citizen or Subject of a Foreign Country   | <input type="checkbox"/> 6 Foreign Nation   | <input type="checkbox"/> 6            |     |     |   |  |   |                                       |   |   |  |                            |  |   |   |                            |

| IV. NATURE OF SUIT (Place an "X" in One Box Only)   |  |   | Click here for: <a href="#">Nature of Suit Code Descriptions.</a>  |  |
|---|--|---|--|--|
| CONTRACT  | TORTS  | FORFEITURE/PENALTY  | BANKRUPTCY   | OTHER STATUTES   |
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice<br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education<br><b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement  |   |  |  |

| V. ORIGIN (Place an "X" in One Box Only)   |
|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding<br><input type="checkbox"/> 2 Removed from State Court<br><input type="checkbox"/> 3 Remanded from Appellate Court<br><input type="checkbox"/> 4 Reinstated or Reopened<br><input type="checkbox"/> 5 Transferred from Another District (specify)<br><input type="checkbox"/> 6 Multidistrict Litigation - Transfer<br><input type="checkbox"/> 8 Multidistrict Litigation - Direct File |

| VI. CAUSE OF ACTION   |
|---|
| Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):<br>18 USC 1961 et seq.<br>Brief description of cause:<br>Defendants used wire and mail in relationship to Title 11 proceeding to commit fraud. |

| VII. REQUESTED IN COMPLAINT:   |
|--|
| <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.<br>DEMAND \$<br>NA<br>CHECK YES only if demanded in complaint:<br>JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| VIII. RELATED CASE(S) IF ANY                           |
|--|
| (See instructions):<br>JUDGE _____ DOCKET NUMBER _____ |

| DATE      | SIGNATURE OF ATTORNEY OF RECORD |
|-----------|---------------------------------|
| 4/12/2021 | /s/ Mazin Sbaiti                |

| FOR OFFICE USE ONLY |        |              |            |
|---------------------|--------|--------------|------------|
| RECEIPT #           | AMOUNT | APPLYING IFP | JUDGE      |
|                     |        |              | MAG. JUDGE |